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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/987,514

Applicant(s)

GIDRON ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-15 and 17-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Rouse et al. (US 6,757,530).

Regarding **claim 1**, Rouse discloses a method for provisioning a user application by a content provider for delivery to a limited resource device through an integrated platform (column 1, lines 17-22), comprising:

creating the user application by the content provider (column 1, lines 17-22);

submitting the user application to the integrated platform by the content provider (column 6, lines 15-24) [The mobile server provider 116 provides communication with wireless devices for transmitting the information to the device];

examining the user application by the integrated platform (column 7, lines 12-25) [The user application preferences 216 manages user specific setting for a particular application];

if the user application is accepted, publishing the user application by the integrated platform (column 8, lines 1-18) [The design filter 314 validates the application before the application may be used by a wireless servlet at run-time].

Regarding **claim 2**, Rouse discloses the limited resource device is a wireless communication device (column 5, lines 32-42).

Regarding **claim 3**, Rouse discloses the limited resource device is a cellular telephone (column 5, lines 32-42).

Regarding **claim 4**, Rouse discloses publishing the user application includes adding the user application to a content directory, such that the user application forms a node of the content directory (column 7, lines 26-45).

Regarding **claim 5**, Rouse discloses the content directory is divided into a plurality of categories, and the user application is added to the content directory according to at least one category (column 7, lines 26-45).

Regarding **claim 6**, Rouse discloses a user browses for a user application according to the category (column 7, lines 26-45).

Regarding **claim 7**, Rouse discloses the user application is reached through a plurality of paths in the content directory, such that the user application is shared by a plurality of categories in the content directory (column 7, lines 26-45).

Regarding **claim 8**, Rouse discloses the content directory features a plurality of categories, such that the user application is associated with a plurality of the categories and such that the user browses for the user application through a plurality of paths of the content directory (column 7, lines 47-58).

Regarding **claim 9**, Rouse discloses a service package for determining whether the user application is retrievable by the limited resource device is associated with at least one category (column 7, lines 59-67).

Regarding **claim 10**, Rouse discloses the node features at least one attribute for performing at least one of delivering the user application to the limited resource device, searching for user applications through the content directory and filtering user applications (column 8, lines 1-18).

Regarding **claim 11**, Rouse discloses the filtering is performed at least for determining whether the user application may be provided to the limited resource device (column 8, lines 1-18).

Regarding **claim 12**, Rouse discloses the filtering is performed according to at least one of supported types of limited-resource devices, languages and user eligibility for content (column 8, lines 1-18).

Regarding **claim 13**, Rouse discloses the filtering is performed for personalizing the content directory for display to the user (column 8, lines 45-55).

Regarding **claim 14**, Rouse discloses the user application is created in a plurality of flavors, each flavor being associated with a particular type of limited resource device (column 8, lines 45-64).

Regarding **claim 15**, Rouse discloses each flavor features at least one of an attribute for defining at least one supported type of limited resource devices and an attribute for defining at least one supported language of the flavor (column 7, lines 26-45).

Regarding **claim 17**, Rouse discloses examining the user application includes validating at least one characteristic of the user application (column 8, lines 1-18).

Regarding **claim 18**, Rouse discloses if the user application is validated, examining the user application further includes testing at least one function of the user application (column 8, lines 1-18).

Regarding **claim 19**, Rouse discloses the user application is accepted only if the testing is successful (column 8, lines 1-18).

Regarding **claim 20**, Rouse discloses all the limitation of claim 20 as stated in claim 1's rejection and furthermore discloses:

- (a) a limited resource device (130 on FIG. 1);
- (b) a content provider (116 on FIG. 1); and
- (c) a service provider (column 5, lines 32-42).

Regarding **claim 21**, Rouse discloses the service provider further comprises a plurality of components, each component providing a service to at least one of the limited resource device and the content provider, wherein the plurality of components is organized according to at least one of a distributed manner and an integrated platform (column 8, lines 12-45).

Regarding **claim 22**, Rouse discloses the plurality of components is organized in the integrated platform, the system further comprising at least one service provider component for providing a service to the limited resource device (column 8, lines 12-45).

Regarding **claim 23**, Rouse discloses the service provider further determines a "flavor" of the user application for a particular type of limited resource device (column 8, lines 12-45).

Regarding **claim 24**, Rouse discloses a method for aggregating a user application for delivery to a limited resource device by a service provider, the limited resource device having at least one characteristic (column 1, lines 17-22), the method comprising:

submitting the user application to the service provider (column 6, lines 15-24) [The mobile server provider 116 provides communication with wireless devices for transmitting the information to the device];

determining at least one rule for controlling the user application (column 7, lines 12-25) [The user application preferences 216 manages user specific setting for a particular application];

altering at least one function of the user application according to the at least one characteristic of the limited resource device (column 8, lines 1-18) [The design filter 314 validates the application before the application may be used by a wireless servlet at run-time]; and

customizing the user application according to the at least one rule by the service provider (column 5, line 64 to column 6 line 2) [The system creates and customizes the user application data to be sent to the mobile device].



Regarding **claim 25**, Rouse discloses a method for provisioning a user application by a content provider for delivery to a limited resource device (column 1, lines 17-22), the method comprising:

providing a service provider for delivering the user application to the limited resource device;

creating the user application by the content providers (column 1, lines 17-22);

determining at least one characteristic of the user application by content provider (column 7, lines 12-25) [The user application preferences 216 manages user specific setting for a particular application];;

submitting the user application to the service provider by the content provider, wherein at least one of creating the user application, determining the at least one characteristic of the user application, and submitting the user application is controlled by at least one rule determined by the service provider (column 8, lines 1-18) [The design filter 314 validates the application before the application may be used by a wireless servlet at run-time] ; and

aggregating the user application by the service provider (column 9, lines 3-25) [The user may limits messages to the mobile device and limiting incoming messages to include a predetermined number of characters to reduce the memory usage].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rouse in view of Palaniswamy et al. (US 6,591,095).

Regarding **claim 16**, Rouse as applied to **claim 15** above differs from **claim 16** in that it fails to disclose the flavor is contained in a JAR (java archive) file.

However, Palaniswamy teaches the flavor is contained in a JAR (java archive) file (column 8, lines 50-57).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Rouse by adding the flavor in a JAR (java archive) file as taught by Palaniswamy.

The modification will allow the system to provide administrative privileges such that the user would have administrative responsibilities.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Khare et al. is cited for determining whether data service connectivity is supported in a wireless system (FIG. 1).

Shanahan is cited for programming user-defined information into electronic device. (FIG. 1).

Irlam et al. is cited for value-added electronic messaging services implementation thereof using intermediate server. (FIG. 3).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

g.g.  
July 26, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written in a cursive style.